

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION**

Case No. 0:23-cv-61346-AHS

Jose Luis Torres,

Plaintiff,

vs.

Barreiro's Service LLC,
El Mago's Roofing Corp.,
Dayron Barreiro
and Merlyn Santos

Defendants.

/

STATEMENT OF CLAIM

COMES NOW, Plaintiff, Jose Luis Torres, by and through undersigned counsel, pursuant to the Order in Actions brought under the Fair Labor Standards Act, and files this Statement of Claim and says as follows:

1. On or around December 1, 2016, Mr. Torres started working for Barreiro's Service LLC, El Mago's Roofing Corp., Dayron Barreiro and Merlyn Santos as a laborer.
2. Mr. Torres used to work 84 hours per week and was paid for all those hours at his regular rate, which was \$15.00 per hour.
3. Furthermore, Defendants used to make unlawful deductions from Mr. Torres' paychecks to pay the company's workers compensation insurance.
4. Mr. Torres complained to his supervisor about these issues.
5. Finally, Mr. Torres was terminated on December 1, 2022, in retaliation for Mr. Torres asserting his rights under the FLSA provisions.

6. Mr. Torres is owed approximately **\$34,320.00 in unpaid overtime** by Defendants, broken down as follows: Mr. Torres worked around 4,576 hours from December 1, 2020, to December 1, 2022.
7. Mr. Torres was not paid one and one-half times his regular rate of pay per overtime hours worked.
8. In addition, Defendants used to make improper deductions from Mr. Torres' weekly checks in the amount of \$60.00, to pay for the company's worker's compensation insurance.
9. This increases the amount of this claim by an additional **\$6,240.00**.
10. Mr. Torres is owed an additional amount in liquidated damages for the unpaid overtime and illegal deductions
11. Ms. Torres was also terminated unlawfully after complaining about the improper payment of his wages and is owed damages as follows:

Back Pay
Front Pay.
Compensatory Damages
Attorney Fees and Costs

Dated August 10, 2023

Respectfully submitted,

By: /s/ Elvis J. Adan
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 10, 2023 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Brian H. Pollock, Esq.

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/s/Elvis J. Adan

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